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BEFORE THE ARIZONA CORPORATION COMMISSION

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2006 JAN -9 P 2:41

AZ CORP COMMISSION
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IN THE MATTER OF THE
APPLICATION OF VALLE VERDE
WATER COMPANY FOR AN
INCREASE IN RATES.

DOCKET NO. W-01431A-05-0351

MOTION TO WITHDRAW

Pursuant to Rule 5.1(a)(2)(B), Arizona Rules of Civil Procedure, undersigned counsel applies for the withdrawal as counsel of Valley Verde Water Company ("Valle Verde" or "Company") in the above-captioned matter. Undersigned counsel hereby certifies that the client has been notified in writing of the status of the case, including any dates and times for court hearings or trial settings. The client's last known address is 12 Garden View Drive, Nogales, Arizona 85621. Notice has also been provided to William W. Wissler, Esq., counsel for the Randall Family.

Background

On October 7, 2004, undersigned counsel was retained by Mr. Frank Randall, President of Valle Verde Water Company, in connection with filing a general rate case before the Arizona Corporation Commission ("Commission"). At the time of the retention, undersigned counsel was working with the law firm of Loose, Brown & Associates, P.C. In 2004 and early 2005, undersigned counsel assisted Valle Verde in the preparation of a rate application, which was filed with the Corporation Commission on May 16, 2005, and amended on June 8, 2005, Docket No. W-01431A-05-0351.

On October 10, 2005, undersigned counsel left the employ of Loose, Brown & Associates to join the law firm of Snell & Wilmer L.L.P. Prior to moving to the new firm, undersigned counsel informed Mr. Randall of the move, that he would continue to represent Valle Verde on behalf of Snell & Wilmer L.L.P. and would forward a legal

1 services agreement to Mr. Randall, as there were no longer any attorneys at Loose,
2 Brown & Associates qualified to prosecute a rate case. Unfortunately, upon arrival at
3 Snell & Wilmer L.L.P., undersigned counsel learned that Mr. Randall had passed away.
4 Because Valle Verde was a sole proprietorship, it was unclear as to who would assume
5 ownership of the Company.

6 Undersigned counsel contacted William Wissler, Esq., an attorney assisting the
7 Randall family with the estate. Mr. Wissler could not provide undersigned counsel with
8 any information about the status of the estate or water company.

9 On November 10, 2005, undersigned counsel appeared at a Procedural
10 Conference on behalf of Valle Verde and informed the parties of Mr. Randall's passing
11 and that undersigned counsel was awaiting direction from the owner of the Company on
12 how to proceed. The Administrative Law Judge suspended the time clock indefinitely
13 until further order of the Commission and scheduled another Procedural Conference for
14 January 11, 2006, to discuss the status of this matter and to determine whether the parties
15 should continue with the rate application.

16 On December 13, 2005, not hearing from either the Randall family or Mr.
17 Wissler, undersigned counsel prepared a letter advising both the Randall family and Mr.
18 Wissler of the status of the case and requested direction on how to proceed with the rate
19 application. Undersigned counsel also enclosed a legal services agreement on behalf of
20 Snell and Wilmer L.L.P., necessary for undersigned counsel to continue the
21 representation. Undersigned counsel informed the Randall family and Mr. Wissler that
22 if they could not execute and return the legal services agreement on or before January
23 11, 2006, the next procedural conference, undersigned counsel would have no alternative
24 but to withdraw from the representation.

25 On December 29, 2005, Mr. Wissler responded that the ownership of the
26 Company has been further complicated by a possible will contest. To date, undersigned
27 counsel has not been retained.

1 Therefore, because undersigned counsel has been unable to obtain a legal services
2 agreement on behalf of Snell & Wilmer L.L.P., undersigned counsel respectfully
3 requests an Order allowing withdrawal from representation of Valle Verde Water
4 Company in the above-captioned matter.

5 DATED this 9th day of January, 2006.

6 SNELL & WILMER L.L.P.

7
8 By 

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11 400 E. Van Buren
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13 ORIGINAL and 13 copies filed this 9th day of January, 2006, with:

14 Docket Control
15 Arizona Corporation Commission
16 1200 West Washington
17 Phoenix, AZ 85007

18 COPY faxed this 9th day of January, 2006, to:

19 Ms. Jane L. Rodda
20 Arizona Corporation Commission
21 (520) 628-6614

22 COPY mailed this 9th day of January, 2006, to:

23 Mr. Ernest G. Johnson
24 Director, Utilities Division
25 Arizona Corporation Commission
26 1200 West Washington Street
27 Phoenix, Arizona 85007

28 Mr. Christopher C. Kempley
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